



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|-------------------------|---------------------|------------------|
| 10/051,857 | 01/15/2002 | Salil Vjaykumar Pradhan | 100110473-1 | 1627 |

7590 08/03/2006

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

GAUTHIER, GERALD

ART UNIT PAPER NUMBER

2614

DATE MAILED: 08/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 10/051,857 | Applicant(s) PRADHAN ET AL. | |
| | Examiner Gerald Gauthier | Art Unit 2614 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-11,13-19 and 21-23 is/are rejected.
- 7) ☐ Claim(s) 4,12 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>7/1/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claim(s) 1-5, 7-9, 11-14, 16-17 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carr (US 6,301,617 B1) in view of Flinck et al. (US 2003/0018774 A1) .

For claims 1, 3, 8, 9, 16, 17, Carr discloses on column 4 line 32 the Fig. 1 of Carr is a wireless network. Carr discloses on column 2 lines 42-44 HTML page (claimed "message") includes virtual URL (claimed "address") and indicating of content (claimed "identifies said item of information").

Carr discloses on column 4 line 64 to column 6 line 4 a third party sends a request to ISP Computer System #3 (claimed "second device"), the requested item of information is received from Computer System #2 when the Computer System #2 is on-line. Otherwise, when the Computer System #2 is off-line, the request message is sent to the Computer System #4 (claimed "other wireless device") when the Computer System #4 is on-line.

Carr fails to disclose receiving said item from said second wireless device.

However, Flinck teaches receiving said information from said second wireless device provide said item of information is available therefrom and said second wireless device remains in communication with said wireless device, wherein otherwise said messages is propagated by said second wireless device to other wireless devices wherein in response to said message any of said other wireless devices having said

item of information and a connection to said address sends said item of information to said address (FIG. 3 and paragraph 0054).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Carr using the teaching of ad hoc network as taught by Flinck.

This modification of the invention enables the system to receive said item from said second wireless device so that the user would receive the information at the node.

Regarding claims 2, 11 and 19, Carr discloses the URL address is a web-based address.

Regarding claims, 13 and 21 Carr discloses the request message sent to Computer System #4 is same as the message sent to Computer System #2 (reads on claimed "duplicate of said message") by Computer System #3.

Regarding claims 5, 14 and 22, Carr discloses on Fig. 1 Computer System #1 (reads on claimed "sensor"; see lines 22-24 page 10 of specification – sensor includes devices taking text input from a user).

Regarding claim 7, Carr discloses on column 1 lines 25-26 URL identifies (reads on claimed "identifier") a web page. The claimed "message" (HTML page) must have a unique message identifier (URL).

Regarding claims 10 and 18 Carr fails to disclose "said content associated with said information item comprises said information content".

However, "Official Notice" is taken that the content of an information item can be either a full set of the information item or a subset of the information item.

Therefore, the claimed "said content associated with said information item comprises said information content" is old and well known to one skilled in the art.

It would have been obvious to one skilled at the time the invention was made to modify Carr to have the "said content associated with said information item comprises said information content" such that the modified system of Carr would be able to support the content comprises said information item to the system users.

Allowable Subject Matter

6. **Claim(s) 4, 12 and 20** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments


7. Applicant's arguments with respect to **claim(s) 1-23** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


GERALD GAUTHIER
PATENT EXAMINER

GG
July 28, 2006

Gerald Gauthier
Examiner
Art Unit 2614